

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DHADIALLA *et al.*

Appl. No.: 09/965,697

Filed: September 27, 2001

For: **Multiple Inducible Gene  
Regulation System**

Confirmation No.: 4412

Art Unit: 1647

Examiner: SHAFER, Shulamith H.

Atty. Docket: 2584.0270002/RWE/GER

**Tenth Supplemental Information Disclosure Statement  
Under 37 C.F.R. § 1.97(c)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms PTO/SB/08A and PTO/SB/08B are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98.

Copies of documents **NPL61 - NPL69** are submitted herewith.

In accordance with 37 C.F.R. § 1.98(a)(2), copies of the U.S. patents and patent applications cited on the attached Form PTO/SB/08A, documents **US20 - US23**, are not submitted.

In accordance with the Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants cite herewith Office Actions issued in co-pending U.S. patent applications as documents **NPL61 - NPL64**.

The Examiner's attention is directed to the co-pending U.S. Patent Application listed as documents **NPL70** and **NPL71**. Copies of documents **NPL70** and **NPL71** are not provided, in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a

legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is *sua sponte* waived where the cited pending application is stored in the USPTO's IFW system."

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed the publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. The required fee is provided


through online credit card payment authorization in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the listed documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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